



# INVESTIGATION REVIEW TRAINING 2.0

CPRB HEARINGS

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# AGENDA

- ▶ RECAP – INVESTIGATION REVIEW TRAINING
- ▶ BACK TO THE SOURCE
  - ▶ AUTHORITY OF THE BOARD
  - ▶ HEARING RESPONSIBILITIES OF THE BOARD
- ▶ REQUIREMENTS OF THE CBA
  - ▶ ARTICLE 8 – INVESTIGATION
  - ▶ ARTICLE 10 - CORRECTIVE/DISCIPLINARY ACTION AND RECORDS
- ▶ CPRB REVIEW HEARINGS
  - ▶ PURPOSE OF REVIEW OF INVESTIGATIONS
  - ▶ PROCESS FOR THE INVESTIGATION REVIEW HEARINGS

RECAP

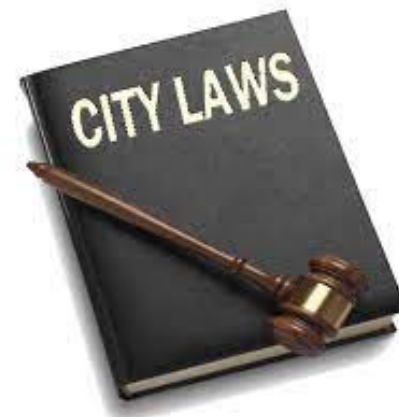


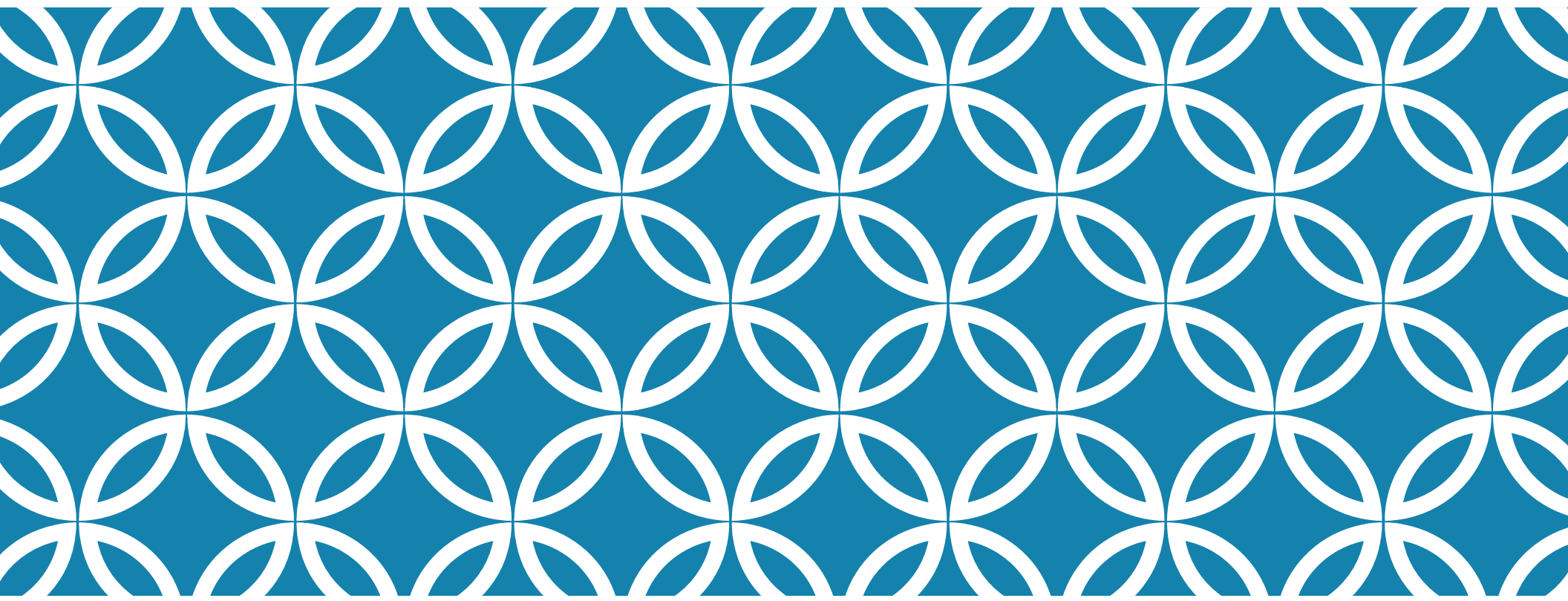


# RECAP – INVESTIGATION REVIEW TRAINING

- ▶ COMPONENTS OF AN INVESTIGATION REPORT
- ▶ INVESTIGATION REVIEW:
  - ▶ NOT AN INVESTIGATION
  - ▶ USE THE CHECKLIST
  - ▶ BE THOROUGH & DOCUMENT YOUR CONCLUSION
- ▶ INVESTIGATION REVIEW DISPOSITIONS:
  - ▶ AGREE WITH THE FINDINGS
  - ▶ DISAGREE WITH THE FINDINGS
- ▶ **RECOMMENDATIONS MADE TO THE FULL BOARD**

# BACK TO THE SOURCE





# **CITY CHARTER & THE COLUMBUS CITY CODES**

The Civilian Police Review Board  
Foundational Law  
September 7, 2021



# BACK TO THE SOURCE – AUTHORITY OF THE BOARD

## CITY CHARTER

SEC. 215 –  
CIVILIAN POLICE  
REVIEW BOARD

## CITY CODE

SEC. 235.01 –  
MEMBERSHIP TERMS  
SEC. 235.02 –  
ORGANIZATION

## BYLAWS

ARTICLE I – SCOPE OF BYLAWS,  
PURPOSE & AUTHORITY

ARTICLE II – MEMBERS

ARTICLE III – ORGANIZATION &  
OFFICERS

ARTICLE IV – DUTIES OF MEMBERS &  
STANDARD OF CONDUCT

ARTICLE V – INSPECTOR GENERAL  
DEPARTMENT PERSONNEL

ARTICLE VI – LEGAL COUNSEL

ARTICLE VII – PROCEDURAL RULES FOR  
REGULAR MEETINGS

ARTICLE VIII – ADOPTION,  
CERTIFICATION, AND PUBLICATION  
OF RULES AND REGULATIONS

# CITY CHARTER — SEC. 215

## CIVILIAN POLICE REVIEW BOARD

There shall be a Civilian Police Review Board which shall be comprised of an odd number of members, **a majority of whom shall constitute a quorum**. The members shall be representative of the diverse communities within the City of Columbus on the basis of race, sex, sexual orientation, gender identity or expression, religion, disability, ethnicity, age, socioeconomic status, and geographic region.

Funding for the Civilian Police Review Board shall be appropriated on an annual basis in an amount sufficient to pay for the personnel services and other expenses necessary for the effective operations of the Board. Annual appropriations for the Civilian Police Review Board shall not be reduced unless financial circumstances dictate an overall reduction to the City's budget, in the event of which, the annual appropriation for the Civilian Police Review Board shall not be reduced in an amount disproportionate to the overall decrease in city expenditures. The Mayor shall set forth the basis for any reduction in writing to the Council and the Civilian Police Review Board at the time of submission or adoption, as applicable, of any budget or budget modification.



# CITY CODE — SECTION 235.01(A)

The Civilian Police Review Board shall consist of eleven (11) citizen members appointed by the mayor with the approval of city council. In making an appointment, the mayor and council, in addition to assuring that the Board is representative of the diverse Columbus community as provided for in Sec. 215, may consider the following factors in evaluating applicants: residency in and/or connection to the City of Columbus and relevant knowledge and/or experience in a similar role.

The members of the Board shall serve without compensation for a term of three (3) years, except that **the terms of the initial board members shall be** six (6) members for two (2) years, and five (5) members for three (3) years.

**Members may serve more than one term but may not serve more than two terms consecutively.**

**Members shall hold their seat on the Board until their successors are chosen, qualified, and installed.**

The mayor shall appoint one of the Board members **to serve as chairperson whose role it will be to preside over meetings of the Board.**

# BYLAWS OF THE CIVILIAN POLICE REVIEW BOARD



## CIVILIAN POLICE REVIEW BOARD

### THE BYLAWS OF THE CIVILIAN POLICE REVIEW BOARD

CITY OF COLUMBUS

*As Adopted October 5, 2021*



## BACK TO THE SOURCE – HEARING RESPONSIBILITIES OF THE BOARD

### CITY CHARTER

SEC. 216 –  
POWERS & DUTIES

### CITY CODE

SEC. 235.03 – DUTIES

### RULES & REGULATIONS

SECTION I – POWERS DELEGATED  
TO THE INSPECTOR GENERAL

SECTION II – POWERS RETAINED BY  
THE BOARD

SECTION III – PROCEDURE UPON  
RECEIPT OF COMPLAINT

SECTION IV – PROCEDURE UPON  
RECEIPT OF REPORT FROM THE  
INSPECTOR GENERAL

SECTION V – PUBLIC HEARING AND  
PUBLIC COMMENT

# CITY CHARTER — SEC. 216

## POWERS & DUTIES

The Civilian Police Review Board shall receive, initiate, cause investigation of, and recommend resolution of complaints filed with it or initiated by the Board alleging misconduct by sworn members of the Columbus Division of Police. Upon completion of an investigation, the Board shall make recommendations to the Division of Police regarding resolution of the complaint and, where warranted by the facts, may make recommendations pertaining to discipline.

The Division of Police shall make available its records relating to any matter under investigation, review, or evaluation by the Board, subject to the restrictions of applicable federal and state law. The Board shall have the authority to request the attendance of witnesses and the production of documents, photographs, audio recordings, electronic files, and other tangible evidence relating to any matter under investigation, review, or evaluation by the Board, subject to the restrictions of applicable federal and state law. With the approval of the City Attorney or the City Attorney's designee, the Board shall have the authority to request that a subpoena issue to compel the attendance of a key witness or the production of any documents, photographs, audio recordings, electronic files or other tangible evidence relating to any matter under investigation, review, or evaluation by the Board in accordance with relevant provisions of the Charter, subject to the restrictions of applicable federal and state and, for city employee members of a bargaining unit, the terms of any collective bargaining agreement.

Subject to the approval of Council, the Civilian Police Review Board shall make rules providing for the procedure of the Board and for the review of complaints filed with it. Rules of the Board and amendments thereto shall take effect fifteen (15) days after their publication in the City Bulletin. The Board shall perform such other duties not inconsistent with the provisions of this Charter as may be required of the Board by ordinance.

# CITY CODE — SECTION 235.03(A)

**The duties of the Civilian Police Review Board shall be** as follows:

- (1) To receive, initiate, **review**, and, if appropriate, to direct the Inspector General to investigate and prepare a report **for review**, complaints alleging misconduct and/or excessive use of force by sworn personnel of the Columbus Division of Police;
- (2) To direct the Inspector General to review and provide a report for review, investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy and, if warranted, recommend changes to Division policies and procedures based upon said reviews;
- (3) **To make recommendations on resolutions of complaints**, if warranted, to the Chief of Police and/or the Director of Public Safety **regarding matters reviewed** by the Board;

# CITY CODE — SECTION 235.03(A)

**The duties of the Civilian Police Review Board shall be as follows:**

- (4) **To make recommendations on discipline**, if warranted, to the Chief of Police and/or Director of Public Safety **regarding the outcome of all investigations reviewed** by the Board;
- (5) To evaluate and identify complaint patterns and make recommendations to reduce complaints based upon said evaluation;
- (6) To review and make recommendations regarding Division of Police policies and procedures;
- (7) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required of the Board by ordinance.



# RULES AND REGULATIONS OF THE CIVILIAN POLICE REVIEW BOARD



**CIVILIAN POLICE  
REVIEW BOARD**

RULES AND REGULATIONS OF THE  
CIVILIAN POLICE REVIEW BOARD

CITY OF COLUMBUS

*As Adopted May 10, 2022*

## SECTION IV — PROCEDURE UPON RECEIPT OF REPORT FROM THE INSPECTOR GENERAL

The Board **may create subcommittee groups** made up of three or five members **to conduct initial review** of reports and recommendations from the DIG. Multiple subcommittees may exist at any given time to alleviate the burden of report review on the full Board. Reviewing **subcommittees will report out to the full Board** on the recommendations contained in the IG's reports at regularly scheduled Board meetings **and indicate whether the subcommittee agrees with the recommendation** drafted by the DIG **or requests a hearing on the contents of the report.**

A) Any Board member may motion for a hearing following review of a DIG report and/or upon hearing the recommendation of a reviewing subcommittee of the Board. **A hearing may be held following the affirmative vote of a simple majority of the Board.**

B) **If a majority of the Board agrees** with the DIG's recommendation, the Chair shall forward the DIG's recommendation to the Chief of Police and/or Director of Public Safety.

## SECTION V — PUBLIC HEARING AND PUBLIC COMMENT

Pursuant to Section 235.02 of the City Code, all hearings of the Board shall be public meetings in accordance with the general laws of the state of Ohio pertaining to the requirements of open meetings of public bodies. **A good faith effort shall be made to hold public hearings within 30-45 days after the Board's request for hearing** on a report. Notice of public hearings shall be made no less than one week prior to the hearing date. Pursuant to municipal code, community members may submit a public comment at a public hearing. Community members seeking to comment at a public hearing must complete a public comment form no less than three days prior to the public hearing. Public comments will be limited to three minutes.



# REQUIREMENTS OF THE CBA: ARTICLE 8 - INVESTIGATION

- ▶ **8.1 Scope**
- ▶ 8.2 Right to Representation.
- ▶ 8.3 Right to Disclosure.
- ▶ 8.4 Supervisory Action
- ▶ **8.5 Investigation Questioning.**
- ▶ 8.6 Legal Rights
- ▶ **8.7 Conduct of Interview**
- ▶ 8.8 Record of Interviews.
- ▶ 8.9 Insubordination.
- ▶ 8.10 Admissibility of Evidence.
- ▶ 8.11 Polygraph Examination.
- ▶ **8.12 Complaints**
- ▶ 8.13 Access to Records.
- ▶ **8.14 Investigation Outcome.**
- ▶ 8.15 Internal Affairs Summary Sheet.
- ▶ 8.16 Violation.
- ▶ 8.17 Relieved from Assignment or Duty.

# ARTICLE 8

**8.1 Scope.** This Article is designed to address the procedures used for internal investigations of members. This Article shall apply to the investigation of allegations that could result in disciplinary action against a member. **Internal investigations shall be conducted by the chain of command, by the Equal Employment Opportunity Office (EEO), by personnel assigned to the Internal Affairs Bureau and/or the Office of the Inspector General (OIG).** The OIG has the discretion to conduct any non-criminal investigations. An OIG investigator may observe a criminal investigation. **When the OIG conducts an internal administrative investigation, the OIG shall have the authority to compel attendance and participation at an interview under threat of insubordination or like offense.** The OIG shall have the authority to provide a signed Garrity form. Should the Office of the Public Safety Director conduct an investigation, members shall be afforded the rights applicable in an Internal Affairs Bureau/OIG investigation. The term "investigator" refers to the individual(s) conducting the investigation. The term "Lodge Representative" refers to a Lodge officer, Lodge Grievance Chairperson or Lodge Representative, or Lodge designated attorney.

# ARTICLE 8

**8.5 Investigation Questioning.** **Members shall** be fairly apprised of the allegations and any known basic facts of the incident prior to any questioning by the investigator. **Members shall** be informed, to the extent known at that time, whether the investigation is focused on the member for a potential charge, either departmental or criminal, or that the member is to be interviewed as a witness. **The member being investigated shall** be given a copy of any citizen complaint or a written summary of the allegations and any known basic facts of the incident of any non-citizen complaint prior to any questioning. Upon request, members who are witnesses shall be given a copy of any citizen complaint or a written summary of any non-citizen complaint prior to any questioning. When the investigator reasonably believes that either departmental or criminal charges may result from a non-citizen complaint, the summary of the allegations and any known basic facts shall be in writing except when the investigator witnesses the violation.

**A member will only be asked** questions which relate to the allegations and any known basic facts of the incident unless, during questioning, other information is developed which could lead to additional allegations against the member or other member(s). In such an event, **the member will again be advised** by the investigator of the potential for either discipline or criminal charges against any member prior to resuming questioning about information developed during the investigation. When a member requests, the member shall be given a brief period of time, prior to the completion of the interview, to locate and review any written documents the member possesses regarding the event(s) being investigated, so the member may fully prepare to accurately and completely respond to the questioning. An investigator may accompany the member during the member's brief search for and review of such documents.



## ARTICLE 8

**8.7 Conduct of Interview.** Any interrogating, questioning, or interviewing of a member will be conducted insofar as practical at hours reasonably related to the member's shift, preferably during the member's working hours. Interrogation, questioning, or interviewing sessions shall be for reasonable periods of time and time shall be allowed during such questioning for attendance to physical necessities. If at any time during the interview, the investigator believes that the filing of criminal charges against the member may result, the member shall be so informed and shall have the right, if requested, to consult with a Lodge Representative, prior to any further questioning.

# ARTICLE 8

## 8.12 Complaints.

(A) **In order for a citizen complaint (including an anonymous complaint) to be investigated, the complaint must be received by the City in writing or reduced to writing within ninety (90) days after the date of the alleged event giving rise to the complaint.** Further, when an anonymous complaint is made against a member and no corroborative evidence is obtained from the information that either accompanies the complaint or that is reasonably obtainable from information provided in the complaint, the complaint shall be classified as not investigated and the accused member shall not be required to respond.

(B) **The following are exceptions to the ninety (90) day time limit** imposed in paragraph (A) above. The following complaints may be investigated provided that notice is given to the Lodge Grievance Chairperson that such an investigation is to be initiated under one of the following exceptions:

(1) Allegations of conduct that are criminal on their face (in which case the time limit is the applicable criminal statute of limitations);

(2) Allegations of conduct that could reasonably lead to criminal prosecution as determined by the Office of the City Attorney (in writing if requested by the Lodge) in which case the time limit is the applicable criminal statute of limitations;

(3) Where a complaint alleges non-criminal conduct that is the same or similar to conduct that has resulted in the termination of a member after January 1, 1998 where the termination has been appealed and heard by an arbitrator or the Civil Service Commission, and which termination was upheld by the arbitrator or Civil Service Commission.

(4) Complaints by non-sworn employees of the Division of Police that allege workplace misconduct by members that would violate policy prohibiting discrimination in the workplace.


(C) Where a complaint does not meet the requirements of paragraphs (A) or (B) above for purposes of conducting an investigation, the complaint shall be classified as not investigated, and the accused member shall not be required to respond, but the member shall be notified orally or in writing of the complaint. Further, complaints that result from conduct determined to be lawful and within Division rules, regulations or procedures, will not appear in the member's personnel file or the member's IAB electronic incident record.

(D) The investigator shall note, in the investigation, whether interviews were conducted in person or by telephone.

# ARTICLE 8

**8.14 Investigation Outcome.** Any member who has been under investigation and after being informed of the investigation may, not less than twenty-eight (28) days after notification, forward a written inquiry to the responsible Deputy Chief as to the status of the investigation. In response to the member's inquiry, the member shall be advised of the status of the investigation and, if known, the estimated time necessary to complete the investigation.

**The investigation of citizen complaints shall be concluded within ninety (90) days after the date the complaint was received by the City.** This deadline may be extended by the Lodge upon written request from the City. Such request will set forth rationale for the City's inability to meet the ninety (90) day deadline and include an estimated time of completion. An agreement to extend an investigation beyond the ninety (90) days will not be unreasonably withheld by the Lodge. **An investigation will be considered concluded on the date it is initially forwarded to the chain of command and/or the Civilian Review Board for review.** An arbitrator shall consider the result of the applicable time limit not being met, or if the investigation otherwise exceeds one-hundred eighty (180) days, as part of his/her analysis related to any discipline arising out of the investigation of such citizen complaint. The ninety (90) day limit shall be held in abeyance pending determination by the chain of command to investigate criminal activity and during any ongoing criminal investigation. **Further, the ninety (90) day limit shall not apply to any chain of command and/or the Civilian Review Board review.** At the conclusion of any investigation, the member shall be informed in writing of the outcome.



# REQUIREMENTS OF THE CBA: ARTICLE 10 - CORRECTIVE/DISCIPLINARY ACTION AND RECORDS

- ▶ **10.1 Corrective/Disciplinary Action for Cause.**
- ▶ **10.2 Positive Corrective Action.**
- ▶ **10.3 Progressive Action**
- ▶ **10.4 Responsibility for Imposition of Discipline.**
- ▶ 10.5 Notification to Members.
- ▶ 10.6 Probationary Period.
- ▶ **10.7 Leave Forfeiture Option in Lieu of Departmental Hearing.**
- ▶ **10.8 Action Pending Departmental Hearing.**
- ▶ **10.9 Departmental Hearings.**
- ▶ 10.10 Retention of Records.
- ▶ 10.11 Administrative Use.
- ▶ 10.12 Disciplinary Tracking System.
- ▶ 10.13 Review of Personnel Files.
- ▶ 10.14 Inaccurate Documents.
- ▶ 10.15 Member's Acknowledgment.

# ARTICLE 10

**10.1 Corrective/Disciplinary Action for Cause.** No member shall be terminated, demoted, suspended, required to forfeit accrued leave (excluding sick leave), given documented constructive counseling or a written reprimand, or suffer any career disadvantage **except for just cause.**

**10.2 Positive Corrective Action.** In those incidents where supervisors believe that positive corrective action would correct performance problems, **the City encourages the use of positive corrective action.** Positive corrective action encourages a willing modification of performance. Positive corrective action means those actions taken to correct a member's performance or behavior where the action taken, in and of itself, does not have a negative impact on the member. Examples of positive corrective action include oral counseling, retraining, mandatory professional assistance/evaluation, and referral to the Employee Assistance Program.

# ARTICLE 10

**10.3 Progressive Action.** For charges other than insubordination, **the principles of progressive corrective action shall be followed for conduct not in violation of law.**

If the offenses are of a critical nature, the Chief of Police may determine that a different sequence is required. However, the charge of insubordination will only be used when no other charge is applicable to that conduct. The progression shall at least include documented constructive counseling before a written reprimand, a written reprimand before a suspension, and a suspension before a dismissal for the same or related offenses. In reaching a penalty determination, the nature and severity of the misconduct and the member's work record shall be taken into consideration. The culpable mental state of the member shall also be taken into consideration. Misconduct that occurs through inadvertence or negligence may mitigate the severity of the penalty that may be imposed, while misconduct that occurs as a result of deliberate intention may indicate that a more severe penalty, up to the maximum penalty, may be imposed.



# ARTICLE 10

**10.4 Responsibility for Imposition of Discipline.** A decision to issue positive corrective action, documented constructive counseling or a written reprimand pursuant to progressive disciplinary action will be made by the member's immediate supervisor where the member was assigned at the time of the incident. The decision to issue corrective/disciplinary action (or inaction) and the level of corrective/disciplinary action is subject to review by the chain of command. A member's immediate supervisor shall be held responsible and accountable for issuing appropriate corrective/disciplinary action. An immediate supervisor's recommendation to impose discipline at a higher level will require review by at least one higher rank in the member's chain of command, with the final decision being made by the Chief of Police.

# ARTICLE 10

**10.7 Leave Forfeiture Option in Lieu of Departmental Hearing.** **The Chief of Police, after charging a member, may make a recommendation to the Director of Public Safety as to the appropriate level of discipline.** Should this recommendation be a suspension, the Chief of Police may make a written offer to the member that the member forfeit up to one hundred twenty (120) hours of accrued leave (excluding sick leave). If the member agrees to forfeit accrued leave, the forfeiture shall be one (1) hour of accrued leave for each one (1) hour of the proposed suspension. The type of leave shall be the member's choice. The forfeiture of the leave shall constitute corrective/disciplinary action of record, shall be accordingly noted in the member's personnel file, and shall constitute the final resolution of the departmental charges. Leave forfeiture may only be offered if the member has sufficient accrued leave at the time of the offer of forfeiture. If the member chooses to accept the Chief's written offer, the member shall acknowledge the member's acceptance of the offer in writing. **Should the Chief choose not to offer this option or should the member reject the Chief's offer, the Chief shall transmit the departmental charges to the Public Safety Director for a departmental hearing.** Leave forfeiture may not be used in sustained charges of excessive force, EEO violations, or bias based profiling.

# ARTICLE 10

## 10.8 Action Pending Departmental Hearing.

(A) Pending a departmental hearing before the Public Safety Director pursuant to Section 10.9, the member shall continue his/her regular employment, unless the Chief of Police either administratively unassigns the member with pay or places the member on authorized leave without pay for a maximum of twenty (20) days pending the Public Safety Director's hearing. **No member shall be placed on authorized leave without pay by the Chief under this paragraph unless the following conditions are met:**

(1) The member has received from the Chief a written statement of the applicable charges and specifications;

(2) **The member has been afforded an opportunity to be heard before the Chief** in order to respond to the charges either verbally or in writing. The member may be represented by a Lodge Representative;

(3) **The member has had the opportunity to be heard**, or the member has waived the opportunity for the hearing, or failed to appear, and the Chief has thereafter recommended to the Public Safety Director that the member be dismissed and has issued a written notice advising the member of the dismissal recommendation and the Chief's reasons therefore.

(B) **If a member is placed on authorized leave without pay under paragraph (A) of this Section, the departmental hearing shall be held within twenty (20) days after the imposition of the leave without pay.** Any authorized leave without pay imposed under paragraph (A) of this Section shall not be extended beyond twenty (20) days unless an extension of time for the departmental hearing is requested solely by the member or his/her representative. In any other event, the authorized leave without pay shall terminate no later than twenty (20) days after its issuance and the member shall thereafter be administratively unassigned with pay pending the departmental hearing and Public Safety Director's decision, unless a subsequent extension of time for the departmental hearing is requested by the member or his/her representative. Any continuance of the departmental hearing, as requested by the member, or the member's use of paragraph (C) of this Section, shall not prejudice his/her claim to back pay for the period of the authorized leave without pay, should the Chief's recommendation for dismissal be subsequently disaffirmed or modified by the Public Safety Director, the Civil Service Commission, an arbitrator, or court of competent jurisdiction.

(C) If a member is placed on authorized leave without pay under paragraph (A) of this Section, the member may use any compensatory time, personal emergency leave, and/or vacation time (but not sick leave) which the member has accrued at the time of the authorized leave without pay while awaiting the hearing and decision. If the member is exonerated of the charges, the member's leave bank will be restored. If the member is found guilty, any suspension will be prospective, and the member's leave bank will not be restored.

# ARTICLE 10

**10.9 Departmental Hearings.** Prior to any departmental hearing before the Public Safety Director, the charged member shall receive from the Chief of Police a written statement of all charges and specifications. At departmental hearings, the charged member shall be allowed to be represented by a Lodge Representative, to question adverse witnesses, and to call witnesses material to the member's defense. A member who is charged, or the member's Lodge Representative, may make a written request for a continuance. Such request shall be granted where practicable, at the discretion of the Public Safety Director. The length of such continuance shall be mutually agreed upon by the parties.

The City shall make all good faith efforts to notify the affected member, normally during the member's duty hours, and his/her representative of any charges or of any decisions reached as a result of a departmental hearing prior to any public statement. The City shall issue any decision at least seventy-two (72) hours after the conclusion of any authorized leave, which may have been granted to the affected member unless earlier discussion of the decision directly with the member or through his/her representative is confirmed. Hearings shall be held in the Public Safety Director's office unless an alternative site is mutually agreed upon by the parties. All hearings shall be recorded by the City and, at the request of the member and/or the member's Lodge Representative, a copy shall be provided to the member for the cost of a copy.

**All hearings conducted by the Public Safety Director shall be closed to the public, press, and others not directly involved in such hearings, unless otherwise mutually agreed. This does not, however, restrict attendance by a representative of the Office of Inspector General or Civilian Review Board.**

# CPRB REVIEW HEARINGS

- ▶ **PURPOSE** OF REVIEW OF INVESTIGATIONS BY FULL CPRB:
  - ▶ RECOMMENDATIONS AS TO DIG FINDINGS:
    - ▶ AGREE WITH DIG?
    - ▶ DISAGREE WITH DIG?
      - ▶ MORE INVESTIGATION NEEDED? (90 DAY TIME LIMIT)
      - ▶ **HEARING NEEDED TO RESOLVE THE QUESTION?**
  - ▶ IF IN VIOLATION, RECOMMENDATIONS AS TO DISCIPLINE:
    - ▶ AGREE WITH DIG?
    - ▶ DISAGREE WITH DIG?
      - ▶ **HEARING NEEDED TO RESOLVE THE QUESTION?**

# CPRB REVIEW HEARINGS

## **PROCESS** FOR THE INVESTIGATION REVIEW HEARINGS:

- ▶ Matter is called for hearing by CPRB Chair
- ▶ Chair of the subcommittee that reviewed the matter is recognized by the Chair
  - ▶ Subcommittee chair reads the matter into the hearing record and provides a brief synopsis of:
    - ▶ Title and number of the DIG investigation
    - ▶ A brief summary of the allegations and DIG findings
    - ▶ A brief summary of the subcommittee recommendation and Board response, request for hearing, as well as any relevant comments made by the Board.
- ▶ Subcommittee chair yields back to the Chair.





# CPRB REVIEW HEARINGS

- ▶ Chair recognizes the Inspector General (or designee) and requests a presentation on the DIG findings
  - ▶ Inspector General (or designee) provides a summary of the facts as alleged, the evidence gathered, summaries of any relevant interviews, a recitation of the standards/directives at issue, and concludes by providing basis for findings.
  - ▶ IG (or designee) yields back to the Chair
- ▶ Chair proceeds to open the matter to questions from Members of the Board. Chair recognizes the individual Board Members for questioning of the IG on matters pertaining to the investigation.
  - ▶ These questions should be regarding the DIG findings; these matters are not, themselves, to constitute additional Board investigation.
  - ▶ Should the Board determine that additional investigation is needed, the Board may direct the DIG to seek additional evidence prior to a final Board determination. HOWEVER, subsequent investigation by the DIG – even if at the direction of the Board – serves to re-open the investigation and the 90 day limit on investigation time will kick in once again.



# CPRB REVIEW HEARINGS

- ▶ Once every Board member has had the opportunity to speak and/or to ask questions of the IG, the Chair will call for a motion and a second to vote to approve the recommendation of the DIG.
  - ▶ Further discussion may ensue, Members may move for a modification of the recommendations, may argue against same, etc.
  - ▶ Once discussion is complete, a voice vote will be taken on the motion that is on the floor.
    - ▶ If the vote is to agree with the recommendation, then the next steps dictated by the recommendation are to be followed.
    - ▶ If the vote is to disagree with the recommendation, then the next steps dictated by the out come of the vote are to be followed.
- ▶ Once the vote on the matter is complete, the matter may be:
  - ▶ Referred back to the DIG for further investigation (90 day time clock starts up again);
  - ▶ Closed as resolved; or
  - ▶ Forwarded to the Chief of Police for further action.

Q & A





# CONTACT INFO

- ▶ Lara Baker-Morrish – Chief Counsel
  - ▶ [Lnbaker-morrish@Columbus.gov](mailto:Lnbaker-morrish@Columbus.gov)
- ▶ Robert Tobias – General Counsel, assigned to the CPRB
  - ▶ [RSTobias@Columbus.gov](mailto:RSTobias@Columbus.gov)
- ▶ Tiara Ross – Zone Attorney, assigned to the DIG
  - ▶ [TNRoss@Columbus.gov](mailto:TNRoss@Columbus.gov)
- ▶ Jeff Furbee – Chief Police Legal Advisor
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